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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,767

07/22/2003

Zachary S. Smith

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EXAMINER

LE, DIEU-MINH T

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/624,767		SMITH, ZACHARY S.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Dieu-Minh Le		2114	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 9 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. This Office Action is response to the communication filed on 02/07/06 in application 10/624,767.
2. Claims 1-21 are presented for examination.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claims 1-8, 10-17, 19-21 are rejected under 35

U.S.C. 103(a) as being unpatentable over Walker et al. (U.S.

Patent 6,301,701 hereafter referred to as Walker) in view of

Barry et al. (U.S. 2003/0229825 hereafter referred to as Barry).

As per claim 1:

Walker explicitly teaches the invention. Walker teaches:

- A method of performing a regression test of ordered test case [abstract, fig. 5, col. 1, lines 11-15] comprising;
- assigning result record to each of a plurality of candidate test cases, said result record including test result from testing said each of said plurality of candidate test cases against a design model [fig. 5, col. 13, lines 63 through col. 14, lines 19];
- selecting said ordered test cases from said plurality of candidate test cases according to said test results in said result record of said each of said plurality of candidate test cases [col. 13, lines 5-20];
- testing said ordered test cases against a current design model [col. 1, lines 23-30; col. 3, lines 59 through col. 4, lines 3; col. 13, lines 20-23].

Walker does not explicitly teach:

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- updating said result record of each of said ordered test cases in response to new test results from said testing.

However, Walker does disclose capability of:

- A computer software regression testing via test cases [abstract, fig. 5, col. 1, lines 11-15]] comprising capabilities of:

- data verifying, checking, evaluating, modifying, correcting and incorporating functionalities into test cases in supporting the data regression testing and via reading, writing, executing, storing, transferring, and installing means [col. 4, lines 34-57; col. 13, lines 55-62].

In addition, Barry does explicitly disclose:

- A software regression testing via plurality of ordered test cases [abstract, fig. 1, col. 1, par. 0002; col. 4, par. 0043 and claim 1] comprising:
  - reading, testing, executing, updating test cases results in supporting the regression testing [fig. 1, col. 4, par. 0043 and claim 4].

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made first, to realize that the Walker's data verifying, checking, evaluating, modifying, correcting and incorporating functionalities into test cases in supporting the data regression testing and via reading, writing, executing, storing, transferring, and installing capabilities do perform such Applicant's updating said result record of each of said ordered test cases in response to new test results from said testing limitation. This is because Walker clearly applied these data/test case configuration, comparison, detection/correction, and performance in determining whether the system functioned and tested properly for device development and production; second, by applying the capability reading, testing, executing, updating test cases results in supporting the regression testing as taught by Barry in conjunction with the computer software regression testing via test cases as taught by Walker, the computer/data regression testing system, and/or the error detection and development device, can enhance its operation performance, more specifically to ensuring the error thoroughly detected and corrected via data/test cases comparison, diagnostic/debugging and updated process.

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This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to improve the (**error detection and correction**) data/test case process within the regression testing system, data availability and network/system performance therein with a mechanism to enhance the data connectivity, data debugging, data displaying, data reliability, and data throughput capabilities which eventually will increase its performance, such as data throughput between internal and external electronic devices.

As per claims 2-3:

Walker further teaches:

- preferentially ordering remaining ones of said plurality of candidate test cases to form ordered test case [fig. 5, col. 4, lines 4 through col. 5, lines 4 and col. 16, claim 10].

Walker does not explicitly teach:

- excluding noninsightful ones of plurality of candidate test cases when result record specifics at least on of the test case waived.

However, Walker does disclose capability of:

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- A computer software regression testing via test cases [abstract, fig. 5, col. 1, lines 11-15]] comprising capabilities of:
  - data verifying, checking, evaluating, modifying, correcting and incorporating functionalities into test cases in supporting the data regression testing and via reading, writing, executing, storing, transferring, and installing means [col. 4, lines 34-57; col. 13, lines 55-62].
  - test case discrepancies and deleting in responding to test regression commands and executions via database records [col. 12, lines 20-41 and col. 13, lines 5-20].

In addition, Barry does explicitly disclose:

- A software regression testing via plurality of ordered test cases [abstract, fig. 1, col. 1, par. 0002; col. 4, par. 0043 and claim 1] comprising:
  - reading, testing, executing, updating test cases results via its normal and invalid mode in supporting the regression testing [fig. 1, col. 4, par. 0041, 0047-0049].



Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that both Walker's test case discrepancies and deleting in responding to test regression commands and executions via database records and Barry's reading, testing, executing, updating test cases results via its normal and invalid mode in supporting the regression testing capabilities do perform such Applicant's excluding noninsightful ones of plurality of candidate test cases when result record specifics at least on of the test case waived limitation. This is because Walker and Barry clearly applied these data/test case configuration, comparison, detection/correction, and performance in determining whether the system functioned and tested properly for device development and production for the same reasons set forth as described in claim 1, **supra**.

As per claims 4-8:

Walker further teaches:

- preferentially ordering remaining ones of said plurality of candidate test cases to form ordered test case [fig. 5, col. 4, lines 4 through col. 5, lines 4 and col. 16, claim 10];

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-- having greater failing history [col. 1, lines 30-43 and col. 12, lines 20-41].

-- not previously executed one of remaining one of plurality of candidate test case [col. 1, lines 30-43 and col. 12, lines 20-41].

Walker does not explicitly teach:

- preferentially ordering remaining ones of said plurality of candidate test cases having:

- above-average coverage and shorter and longer duration on design model of current design model.

However, Walker does disclose capability of:

- A computer software regression testing via test cases [abstract, fig. 5, col. 1, lines 11-15]] comprising capabilities of:
  - data verifying, checking, evaluating, modifying, correcting and incorporating functionalities into test cases in supporting the data regression testing and via reading, writing, executing, storing, transferring, and installing means [col. 4, lines 34-57; col. 13, lines 55-62].

- test case specific design, evaluation, and transaction during testing and development phases via its performance correctiveness in responding to test regression commands and executions via database records [col. 4, lines 3-57].

In addition, Barry does explicitly disclose:

- A software regression testing via plurality of ordered test cases [abstract, fig. 1, col. 1, par. 0002; col. 4, par. 0043 and claim 1] comprising:

- reading, testing, executing, updating test cases results via its normal and invalid mode in supporting the regression testing [fig. 1, col. 4, par. 0041, 0047-0049].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that both Walker's test case specific design, evaluation, and transaction during testing and development phases via its performance correctiveness in responding to test regression commands and executions via database records and Barry's reading, testing, executing, updating test cases results via its normal and invalid mode in supporting the regression testing capabilities do perform such Applicant's above-average

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coverage and shorter and longer duration on design model of current design model limitation. This is because Walker and Barry clearly applied these data/test case configuration, comparison, detection/correction, and performance in determining whether the system functioned and tested properly for device development and production.

**This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to enhance the data connectivity, data debugging, data displaying, data reliability, and data throughput capabilities which eventually will increase its regression test cases performance.**

As per claims 10-17:

These claims are the same as per claims 1-8. The only minor different is that these claims are directed to a **computer-readable medium having computer-executable instructions for performing regression test of ordered test cases** instead of the method of performing a regression test of ordered test cases comprising assigning a result record, selecting ordered test cases, testing test cases, updating result, etc... as described in claims 1-8. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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realized that a **computer-readable medium for performing regression test of ordered test cases** is a necessary item for such computing networking system, more specifically, data test cases processing system. Since the data processing system obviously needs a means for file, instruction or code means resided within the computer-readable storage medium for performing the data backup, storing, executing, updating, receiving, transmitting operation via the baseline or current design model capability. Therefore, these claims are also rejected under the same rationale applied against claims 1-8.

As per claims 19-20:

Due to the similarity of claims 19-20 to claims 1-8 except for an ordered regression test system comprising **capabilities of** a test case database including a plurality of candidate test cases (i.e., assigning) , selecting ordered test cases, testing test cases, updating result, etc... instead of the method of performing a regression test of ordered test cases comprising assigning a result record, selecting ordered test cases, testing test cases, updating result, etc... as described in claims 1-8; therefore, these claims are also rejected under the same rationale applied against claims 1-8. **In addition, all of the limitations have been noted in the rejection as per claims 1-8.**

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As per claim 21:

Due to the similarity of claim 21 to claim 1 except for an ordered regression test system comprising **MEANS** for assigning a result record, **MEANS** for selecting ordered test cases, **MEANS** for testing test cases, **MEANS** for updating result, etc... instead of the method of performing a regression test of ordered test cases comprising assigning a result record, selecting ordered test cases, testing test cases, updating result, etc... as described in claim 1; therefore, this claim is also rejected under the same rationale applied against claim 1. **In addition, all of the limitations have been noted in the rejection as per claim 1 above.**

**Allowable Subject Matter**

5. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (571) 272-3660. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The Tech Center 2100 phone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**DIEU-MINH THAI LE  
PRIMARY EXAMINER  
ART UNIT 2114**

DML  
06/14/06